

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELLE MCDONALD-WITHERSPOON,	:	CIVIL ACTION
Individually and as Administratrix of the	:	
ESTATE OF KENYADA JONES	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	NO. 17-1914

ORDER

AND NOW, this 23rd day of August, 2018, upon consideration of Defendants the City of Philadelphia (the “City”), Curran-Fromhold Correctional Facility (“CFCF”), and the Warden of CFCF’s (the “Warden”) (collectively, the “City Defendants”) Motion to Dismiss for Failure to State a Claim (Docket No. 32), Defendants Amber Browne’s and Jeanette Palmer’s Motion to Dismiss for Failure to State a Claim (Docket No. 33), Defendant Philadelphia Adult Parole and Probation Department’s (“PAPP”) Motion to Dismiss Plaintiff’s Complaint (Docket No. 39), Defendant Corizon Health, Inc.’s (“Corizon”) Motion to Dismiss Plaintiff’s Amended Complaint (Docket No. 43), Defendants MHM Services Inc. (“MHM”) and Jane Doe MHM Employees’ Motion to Dismiss (Docket No. 44), and all documents filed in connection therewith, **IT IS HEREBY ORDERED** as follows:

1. The Motion filed by the City Defendants (Docket No. 32) is **GRANTED** in part and **DENIED** in part as follows:
 - a. The Motion is **GRANTED** with respect to the claims asserted against CFCF in Counts Three, Five, Six and Seven of the Amended Complaint and those Counts are **DISMISSED** as against CFCF, and CFCF is **DISMISSED** as a Defendant in this case.

- b. The Motion is **GRANTED** with respect to the § 1983 claims asserted against the City and the Warden in Count Seven of the Amended Complaint and Count Seven is **DISMISSED** with prejudice as against the City and the Warden.
 - c. The Motion is **GRANTED** with respect to the § 1983 claim asserted against the Warden in his official capacity in Count Three of the Amended Complaint and that claim is **DISMISSED** with prejudice as against the Warden.
 - d. The Motion is **GRANTED** with respect to the claim asserted against the Warden in Count Three of the Amended Complaint for violation of § 504 of the Rehabilitation Act and that claim is **DISMISSED** with prejudice as against the Warden.
 - e. The Motion is **DENIED** in all other respects.
2. The Motion filed by Browne and Palmer (Docket No. 33) is **DISMISSED AS MOOT** in part and **GRANTED** in part as follows:
- a. The Motion is **DISMISSED AS MOOT** insofar as it seeks dismissal of any claims the Amended Complaint asserts under the Pennsylvania Constitution.
 - b. The Motion is **GRANTED** with respect to the § 1983 claims asserted against Browne and Palmer in Count Seven of the Amended Complaint and Count Seven is **DISMISSED** with prejudice as against Browne and Palmer.
3. The Motion filed by PAPP (Docket No. 39) is **GRANTED** with prejudice in its entirety and the claims asserted against PAPP in Counts Four, Five, Six and Seven of the Amended Complaint are **DISMISSED** as against PAPP, and PAPP is **DISMISSED** as a Defendant in this case.

4. The Motion filed by Corizon (Docket No. 43) is **DENIED** in its entirety.
5. The Motion filed by MHM and its Jane Doe employees (Docket No. 44) is **GRANTED** in part and **DENIED** in part as follows:
 - a. The Motion is **GRANTED** with respect to the § 1983 claims asserted against MHM and its Jane Doe employees in Count Seven of the Amended Complaint and Count Seven is **DISMISSED** with prejudice as against MHM and its Jane Doe employees.
 - b. The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.